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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAN 14 2008 *aw*  
Jan 14 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Jeffery LATHAM

(Enter above the full name  
of the plaintiff or plaintiffs in  
this action)

vs.

08CV303

JUDGE HOLDERMAN

MAG. JUDGE VALDEZ

Case. (To be supplied by the Clerk of this Court)

Joseph Burke, Lt BuzzlowSKI

Lt Davis, Lt Brown, Lt Sawyer

Lt Givens, Yo J. Allen

Sgt Grant, Med-Tech Thomas

Warden, Dee Battaglia

Director, Joseph Burke

(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION  
1983 U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION).  
TITLE 28 SECTION 1331(a) U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR  
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

Defendant. Dee Battaglia

title Warden

Place of Employment; Stateville Correctional Center

Defendant; Lt. Buczkowski

title Lieutenant

Place of Employment; Stateville Correctional Center

Defendant; Lt. Davis

title Lieutenant

Place of Employment; Stateville Correctional Center

Defendant; Sergeant, Grant

title Sergeant

Place of Employment; Stateville Correctional Center

Defendant; Lt. Givens

title Lieutenant

Place of Employment; Stateville Correctional Center

Defendant; Lt Sawyer

title Lieutenant

Place of Employment; Stateville Correctional Center

Defendant; J. Allen

title; Correctional Officer

Place of Employment; Stateville Correctional Center

Defendant; med-tech Thomas

title Med-tech

Place of Employment; Stateville Correctional Center

Defendant; Joseph Burke

title Deputy Director

Place of Employment; Deputy Director of Northern District 2  
Stateville Correctional Center

Defendant, Lt, Mark Wilson

title lieutenant

Place of Employment Stateville Correctional Center

Defendant Lt Brown

title Lieutenant

Place of Employment Stateville Correctional Center

**I. Plaintiff(s):**

- A. Name: Jeffery LATHAM
- B. List all aliases: Jeffery Brown
- C. Prisoner identification number: #B30158
- D. Place of present confinement: HILL Correctional Center
- E. Address: P.O. Box 1700 Galesburg IL 61402

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Joseph Burke  
 Title: Deputy Director of Northern District 2  
 Place of Employment: Stateville Corr. Center
- B. Defendant: Lt Mark Wilson  
 Title: Lieutenant  
 Place of Employment: Stateville Corr. Center
- C. Defendant: Lt Brown  
 Title: Lieutenant  
 Place of Employment: Stateville Corr. Center

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

### III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES ( ☒ ) NO ( ☐ ) If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES ( ☒ ) NO ( ☐ )

C. If your answer is YES:

1. What steps did you take?

Filed Grievance June 10<sup>th</sup> and never received  
any response

2. What was the result?

NO Response  
Filed letters with Warden and Springfield  
and NO results

3. If the grievance was not resolved to your satisfaction, did you appeal?

What was the result (if there was no procedure for appeal, so state.)

I Appealed to Counselors and Warden  
and Springfield no one responded

D. If your answer is NO, explain why not:

After letters to Warden and Grievance  
office I was Retaliated Against and Shipped  
to menard For no Reason

E. Is the grievance procedure now completed? YES ( ) NO ( )

F. If there is no grievance procedure in the institution, did you complain to authorities? YES (✓) NO ( )

G. If your answer is YES:

1. What steps did you take?

Filed Four letters to grievance officials  
also to the warden and to Springfield  
Via Stateville Mail

2. What was the result?

NONE

H. If your answer is NO, explain why not:

Kept getting NO ANSWER FROM grievance  
officer or warden Then shipped to monard  
for NO Reason

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: NA
- B. Approximate date of filing lawsuit: \_\_\_\_\_
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: NA
- D. List all defendants: NA
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): \_\_\_\_\_
- F. Name of judge to whom case was assigned: \_\_\_\_\_
- G. Basic claim made: NA
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): NA
- H. Approximate date of disposition: \_\_\_\_\_

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY. AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

# V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

on the date of May 26th I MR Jeffery Lathan  
#B30158 was in seg in unit-E-House 257 at  
Stateville cor, etc a incident took place which  
put my health and safty at risk, medical attention  
was denied. All officials just simply stand by  
and let the incident happen. The staff members  
who started this incident was Lt Mark Wilson,  
Sgt Grant, Sgt Grant and Lt Mark Wilson went to  
an inmate cell exchanged words opened the door  
to his cell and began to beat him and kick  
him in his head. The two then sprayed the unit  
and inmate with mace along with Lt Brown and Lt  
Givens who stoped at cell E-129 and did the same  
with another inmate they open two canisior mace  
and put them inside the cell. which caused myself  
and others Breathing Problems, I have heart problems  
and asthma. I asked Lt Davis, Lt Brown, Lt Buczkowski  
for medical attention they said you should have a flag  
and started laughing



Sgt Grant was Smoking in a ~~non~~ smoking unit and  
 Flipped a lit Cigarette in a trash can which caught  
 on fire sending smoke and toxic all over the cell-house  
 The named officials let the fire burn four hours  
 and I kept telling them I couldn't breathe which  
 put my life in jeopardy. C/O Allen C/O Edwards C/O Phelps  
 C/O Palma also joined in on the beating of the inmate  
 C/O Allen held him down with his foot on his head  
 while in handcuffs

I told med-tech Thomas that I needed a breathing  
 treatment because of the smoke and my asthma, he  
 stated sorry that's what happens when someone  
 fucks with staff.

C/O Allen, Lt Wilson, Sgt Grant initiated the whole  
 incident that subjected the Plaintiff to inhale the  
 smoke and toxic from the burning trash, mattress and  
 chemical while doing nothing to put out the fire.  
 This is deliberate indifference on the named Defendants  
 Lt BUCKOWSKI failed to protect Plaintiff safety and  
 health by standing at the door with a fire extinguis-  
 her and allowing the fire to burn. he could have opened  
 the door to let the smoke out or put the fire out  
 he ~~decided~~ decided not to do anything except  
 walk around doing nothing.

After leaving Unit F-House I was placed in Unit C-House I was still having chest pains and breathing problems upon speaking with med-tech Mrs Fryer she put me in to health care where it was discovered that my heart muscles were around the heart is not right because of stress around the heart from the smoke inside my lungs therefore I had to take Nitroglycerin Tablets

I was also told by Sgt Grant to stop my Grievance or he would make it hard for me to stay in Stateville, and Sgt Grant also told me that I had better stop Conley before things get out of hand. I told Lt Sawyer who was in C-House about Sgt Grant had threaten me. Lt Sawyer did nothing but walked away. Then I wrote letters to Warden Dee Battaglia and put her on notice about the threats and got no response, then I wrote letter to Springfield with no response

letter I was retaliated against from the officials at Stateville Cor Center my mail would be missing my phone calls would be cut off. Then at about 7:am Sept 2 I was transfured by orange crush without packing my property and my TV was cracked my AM-FM-Radio missing \$200 in food missing typewriter Adapter missing etc.

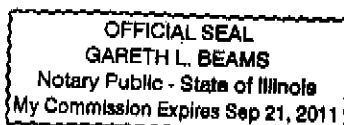
**VI. Relief:**

State briefly exactly what you want the court to do for you. Make no legal arguments.  
Cite no cases or statutes.

To be Awarded Compensatory damages  
as well ~~as~~ as to nominal and punitive damages  
for as to long standing and passive and deliberate  
indifference to protect my health and safety  
for the sum of \$25,000, and whatever the  
court feels that should be appropriate, plus  
copying fees, AND I want Defendants to be criminally  
prosecuted for not violating my civil rights

I declare under penalty of perjury that all facts  
given in the complaint are true and correct.

Signed this 2<sup>nd</sup> day of JAN, 2008



Gareth L. Beams  
NOTARY PUBLIC

Jeffery Latham  
(Signature of plaintiff or plaintiffs)

B30158  
(I.D. Number)

P.O. Box 1700

Galeburg IL

161401  
(Address)

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①  
"Defendant"  
LT, Givens, was deliberately indifferent to Plaintiff's health and safety and subjected Plaintiff to cruel and unusual punishment; and where when LT, Givens and LT, Brown opened up a chuekhole in cell 129 A very small area and put in two cans of Mace knowing the chemicals would cause breathing problems, LT Givens put Plaintiff health at risk and denied Plaintiff medical attention when Plaintiff asked for help.

"Defendant" LT Brown; subjected the Plaintiff to cruel and unusual punishment by denying Plaintiff health and safety and protection where LT, Brown joined LT Givens in spraying chemical agents in a very small area know it would cause breathing problems, LT Brown stoodby and watched the fire burn out of control and did nothing to put out the fire or open a door to let the smoke out

"Defendant"  
LT, Sawyer denied Plaintiff of his Constitutional rights that guarantees that prison officials provide safety to inmates LT Sawyer deliberately stoodby and watches as the fire got out of hand along with other officials, LT Sawyer also threaten Plaintiff to drop his grievance of the fire incident along with Sgt Grant Plaintiff was retaliated against by LT Sawyer and Sgt Grant with shipment to menard for no reason except retaliation Plaintiff was placed into cell-house with Sgt, Grant and LT, Sawyer, after this fire incident

"Defendant"  
LT, Davis subjected Plaintiff to cruel and unusual punishment by not taking control of the situation since he was the Lt in charge of the shift, LT Davis failed to protect Plaintiff health and safety by standing by and stating let it burn they will learn next time not to mess with staff, LT Davis was deliberate indifference when he did not take control of the situation or his fellow officers he could have ordered to open the doors to let the smoke out

"Defendant"  
Deputy Director Joseph Burke subjected Plaintiff to cruel and unusual punishment and was deliberate indifferent to protect the health and safety when Plaintiff put Director Joseph Burke and other officials on notice about the incident and the retaliation from officials Sgt's and LT's

"Defendant" Dec Battaglia, Warden at the time of this incident was placed on notice of this incident and denied plaintiff protection from officials and C/O's. Defendant also knew that Sgt Grant was giving threats to inmates who filed grievances and did nothing to stop Sgt Grant or other officials in this incident; Defendant also knew that plaintiff was being retaliated against for filing grievances and did nothing to protect his safety.

"Defendant", Sgt Grant, was Sergeant at F-House when he started this incident by calling a inmate a baby Rapiest and opening his cell without reason. Defendant put plaintiff health at risk by spraying mace out in the open and throwing a lit smoke in a gray garbage can with lots of garbage and foam trays which started a fire and did nothing to put the fire out. Plaintiff asked Sgt Grant for medical attention, Sgt Grant denied medical stating he had a flac to bad you don't. Defendant was cruel and deliberate and unusual punishment on Sgt Grant's behalf.

"Defendant" J. Allen, was the correctional officer who also started the incident by pulling the inmate in cell 109 or 110 out of his cell and begin beating him with ~~hand~~ handcuffs. Defendant J. Allen put plaintiff health at risk by standing by the fire and doing nothing to put the fire out. Plaintiff asked C/O officer for medical attention and Defendant denied plaintiff medical attention by saying die, these actions were cruel and deliberate indifference.

"Defendant" Lt Buczkowski was in charge of tact team and failed to protect plaintiff health and safety by throwing two cans of mace inside cell 129. Defendant also stated to plaintiff that he would receive no medical attention. Defendant also stated stick your head in the shitter. Defendant denied plaintiff protection by allowing the incident to get out of hand by standing by and letting the fire burn.

"Defendant" med-tech Thomas denied plaintiff medical attention which is plaintiff constitutional right. Plaintiff asked med-tech Thomas for medical attention on the date of May 26th defendant stated he can't help his hands is tied. Med-tech Thomas saw that plaintiff was coughing up black smoke and refused breathing treatments. Plaintiff asked med-tech Thomas for medical attention time after time and med-tech Thomas stood by and gave no attention to any inmates his actions were cruel and unusual punishment and deliberate. Defendant also stated this is what happens when you mess with staff.

Defendant LT Mark Wilson Subjected Plaintiff to One on One Unusual Punishment, where LT, Wilson was along with Sgt Grant and started the incident but put chemical Agents into the air trying to spray an inmate in his face. LT, Wilson also Failed to protect the Plaintiff when he stood by laughing and letting the fire burn without trying to put the fire out. Plaintiff also asked Lt Wilson for medical attention Lt Wilson Refused to protect Plaintiff health and safety

IN Re:

## Declaration

Declaration under penalty of perjury of Anthony Conley  
I Anthony Conley, being competent to make this declaration  
and having personal knowledge of the matter stated herein,  
declares pursuant to 28 U.S.C. § 1746;


1. That on the night of May 26, 2005 when an incident took  
place in F-house that I witness Jeffery Latham call  
out to Lt. Davis personally requesting to have the fire  
put out.

2. Then later on I saw Jeffery Latham at his cell door  
asking for medical attention and again Lt. Davis response  
was ~~let~~ let that shit burn and did not attempt to  
call nobody for medical at all.

3. I personally ask Jeffery Latham to tell Lt. Davis  
to come to my cell that I need to talk to him  
due to his long term experience with inmates at  
Stateville Corr. C.F.R. but Lt. Davis just waived us  
off and kept on standing in front of the unit with his  
fello comrades.

4. Than some time later I could hear Jeffery Latham telling the official's that he was having problem's breathing and that he has heart problem's and he's an asthmatic.

pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury that the foregoing is true and correct. Executed on Dec. 15, 2007

  
Anthony Conley



## Declaration

Declaration under Penalty of perjury of Jeffery Latham  
 I MR, Jeffery LATHAM, being competent to make this declarat  
 ion and having personal knowledge of the matters stated  
 therein, declares pursuant to 28 U.S.C. § 1746:

1. on the Night of MAY 26-2005 while I MR, Jeffery LATHAM  
 was Residing in a Cell right above the med-tech office in  
 F-house on 2, gallery personally seen everything that took  
 place,

2. I Saw Sgt. And his Fello Comrade beating the inmate in Cell  
 F-110 or 109 and After that Sgt. Grant was walking around  
 the Unit talking Crazy to inmates while smoking a cig, and  
 he flicked his cig in the Pile of trash and Sometime later  
 the trash was burning.

3. I personally heard and saw L. + Davis tell his Fello  
 Comrade to let that shit Burn and after awhile the  
 Unit was Full of Black Smoke and the top galleries  
 was Just dark spot and I and Anthony Conley and other  
 inmates started to ask the G's and L's to put the Fire  
 out as the Electricity was turned off and that means  
 No air or water.

4. After all of request for medical attention there was not any given to I or Anthony Conley I could see Conley ask for some medical attention from the correctional officials.

Jeffery Latham

Jeffery Latham  
#B30158

P.O. Box 1700  
Galesburg IL